

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:07-cv-00010-FDW

CHRISTOPHER WILLIAM BROOKS,

Plaintiff,

vs.

CITY OF CHARLOTTE et al.,

Defendants.

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NOTICE

TAKE NOTICE that this matter has been set for hearing on Defendant's Motion for Summary Judgment (Doc. No. 8) to be held at **3:00 p.m.** on **August 8, 2008**, in Courtroom #1 of the Charles R. Jonas Federal Building in Charlotte, North Carolina.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises pro se Plaintiff of the burden he carries in responding to Defendant's Motion for Summary Judgment. Under Rule 56(e) of the Federal Rules of Civil Procedure, Plaintiff is required oppose Defendant's Motion with documents, affidavits, or unsworn declarations made under penalty of perjury. As stated in Rule 56(e)(2):

When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must—by affidavits or as otherwise provided in this rule—set out specific facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.

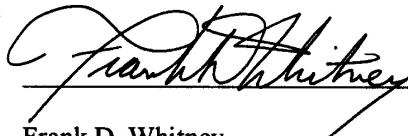
Plaintiff is further advised that he has fourteen (14) days from the filing of this Order in which to file documents, affidavits, or unsworn declarations in opposition to Defendant's Motion for Summary

Judgment. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO SUMMARY JUDGMENT.**

THEREFORE, IT IS HEREBY ORDERED that Plaintiff has fourteen (14) days from the filing of this Order in which to provide his own documents, affidavits, or declarations countering the evidence offered by Defendant's Motion for Summary Judgment.

IT IS SO ORDERED.

Signed: July 14, 2008


Frank D. Whitney
United States District Judge

